

Notice of Allowability

Application No.

10/659,849

Examiner

James M. Hewitt

Applicant(s)

SEYMOUR ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed 11/1/05.

2. ☒ The allowed claim(s) is/are 1-28.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

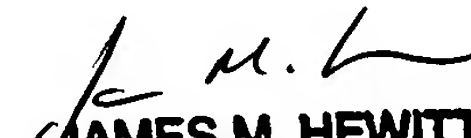
5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____.

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____.


JAMES M. HEWITT
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Susan Lukasik on 11/10/05.

The application has been amended as follows:

On line 1 of the abstract, the phrase "and method of" has been deleted as the steps of the method, or at least what is novel about the method is not included in the abstract.

In claim 11 lines 6-7, the phrase "wherein at least part of the actuator is expandable" has been deleted.

In claim 11 line 9, "disposable" has been replaced with --radially expandable--.

In claim 21 line 21, "retainable" has been replaced with --retained--.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The prior art of record does not disclose, singly or in combination, a release collar as claimed in detail in claims 1, 11 or 21.

Note that as the male member and female member are positively recited in each of claims 1, 11 and 21, the claimed invention is considered to include the combination of the release collar, male member and female member.

The closest prior art includes: Morrison (US 5,934,709), Highlen (US 5,570,910), Watanabe (US 6,688,655), Karl et al (US 5,553,895) and Densel et al (US 2004/0070197 A1).

Regarding claim 1, Morrison at least fails to teach or fairly suggest the limitation "wherein the actuator is in closer proximity to the male member than to the female member when the male member, the female member, and the release collar are engaged, such that the second axial end of the actuator is radially expandable within an actuator cavity". Morrison's actuator (36), as it is threaded to the female coupling (5) is incapable of such expansion. Highlen, Watanabe and Karl et al at least fail to teach or fairly suggest the limitation "wherein the release collar is disposed on the female member when the male member and the female member are not engaged". Densel et al, in the most applicable embodiment depicted in Figures 17-19, at least fails to teach or fairly suggest the limitation "wherein the actuator is in closer proximity to the male member than to the female member when the male member, the female member, and

the release collar are engaged, such that the second axial end of the actuator is radially expandable within an actuator cavity”.

Regarding claim 11, Morrison at least fails to teach or fairly suggest the limitation “wherein the actuator is radially expandable between a rib of the male member and the female member such that the rib of the male member is withdrawn along the actuator while the male member is withdrawn from the female member.” Highlen, Watanabe and Karl et al at least fail to teach or fairly suggest the limitation “wherein the release collar is disposed on the female member when the male member and the female member are not engaged”. Densel et al, in the most applicable embodiment depicted in Figures 17-19, at least fails to teach or fairly suggest the limitation “wherein the actuator is radially expandable between a rib of the male member and the female member such that the rib of the male member is withdrawn along the actuator while the male member is withdrawn from the female member.”

Regarding claim 21, Morrison at least fails to teach or fairly suggest the limitation “wherein the actuator is in closer proximity to the outer release surface of the male member than to the inner release surface of the female member when the male member, the female member, and the release collar are engaged, such that the second axial end of the actuator is radially expandable within the actuator cavity”. Highlen, Watanabe and Karl et al at least fail to teach or fairly suggest the limitation “wherein the second axial end comprises a lip that extends radially inward such that the release collar is retained on the female member when the male member and the female member are not engaged”. Densel et al, in the most applicable embodiment depicted in

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Figures 17-19, at least fails to teach or fairly suggest the limitation "wherein the actuator is in closer proximity to the outer release surface of the male member than to the inner release surface of the female member when the male member, the female member, and the release collar are engaged, such that the second axial end of the actuator is radially expandable within the actuator cavity".

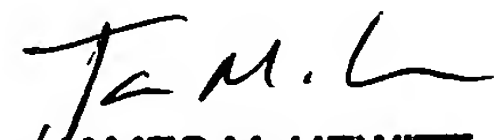
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hewitt whose telephone number is 571-272-7084.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JAMES M. HEWITT
PRIMARY EXAMINER